

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN ASSEMBLY MAY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2497**

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**Introduced by Assembly Member Laird**

February 23, 2006

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~~An act to amend Section 710.5 of the Fish and Game Code, relating to fish and game. An act to add and repeal Section 12805.3 of the Government Code, relating to public resources.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2497, as amended, Laird. ~~Department of Fish and Game: funding. Public resources: Resources Agency.~~

*Existing law requires the Resources Agency in conjunction with specified entities within the agency to develop and maintain a database of lands and easements that have been acquired by those entities. Existing law requires the Wildlife Conservation Board to review and approve the acquisition of lands and easements for the Department of Fish and Game. Existing law requires the State Public Works Board to review and approve the acquisition of lands and easements for all other state agencies and departments.*

*This bill would require the Secretary of the Resources Agency and the Department of Finance to jointly convene a workgroup consisting of representatives from specified state agencies and natural resource organizations to evaluate and recommend proposals for improving the state resource land acquisition responsibilities and organization. The bill would require the agency and department to report to the*

*Governor and the Legislature, on or before January 1, 2008, on the recommendations of the workgroup.*

~~Existing law establishes the Department of Fish and Game in the Resources Agency. Existing law expresses legislative findings and declarations that the department continues to be not properly funded, and that the department has been largely supported by fees paid by those who utilize the resources held in trust by the department. Existing law states the intent of the Legislature that, to the extent feasible, the department should continue to be funded by user fees, but that the user fees should more accurately reflect all costs of the department associated with these resources. Existing law states, as part of this intent, that all fees collected by the department are user fees, as specified, and that, to the extent that the fees are appropriated through the Budget Act for the purposes for which they were collected to provide services to people of the state, those user fees are not subject to Article XIII B of the California Constitution.~~

~~This bill would modify this intent language, and add legislative intent language that the department should be funded by user fees for programs that directly benefit user groups, and that programs that are of broad public benefit should be paid out of the General Fund.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes.~~  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. The Legislature finds and declares all of the*
- 2     *following:*
- 3     *(a) The Wildlife Conservation Board is responsible for the*
- 4     *review and approval of the acquisition of lands and easements*
- 5     *for the Department of Fish and Game.*
- 6     *(b) The State Public Works Board is responsible for the review*
- 7     *and approval of the acquisition of lands and easements for all*
- 8     *other state agencies and departments.*
- 9     *(c) In 2004, the California Performance Review recommended*
- 10    *that the acquisition of lands and easements for resource purposes*
- 11    *be consolidated into a new entity.*
- 12    *SEC. 2. Section 12805.3 is added to the Government Code, to*
- 13    *read:*
- 14    *12805.3. (a) The Secretary of the Resources Agency and the*
- 15    *Department of Finance shall jointly convene a workgroup to*

1 *evaluate and recommend proposals for improving the state*  
2 *resource land acquisition responsibilities and organization. The*  
3 *evaluation shall include, but not be limited to, the consolidation*  
4 *of land acquisition responsibilities for resource purposes. The*  
5 *workgroups shall evaluate, but not be limited to, two options that*  
6 *include a new entity for all resource land acquisition*  
7 *responsibilities that:*

8 *(1) Includes the activities of the Wildlife Conservation Board.*

9 *(2) Does not include the activities of the Wildlife Conservation*  
10 *Board.*

11 *(b) The workgroup shall include, but not be limited to,*  
12 *representatives from all of the following:*

13 *(1) The Wildlife Conservation Board.*

14 *(2) The Department of Fish and Game.*

15 *(3) The Department of Parks and Recreation.*

16 *(4) One or more state conservancies with land acquisition*  
17 *responsibilities.*

18 *(5) The Legislative Analyst's Office.*

19 *(6) Natural resource organizations with an interest in and*  
20 *experience with the state land acquisition processes.*

21 *(c) Notwithstanding Section 7550.5 of the Government Code,*  
22 *on or before January 1, 2008, the Resources Agency and the*  
23 *Department of Finance shall report to the Governor and the*  
24 *Legislature on the recommendations of the workgroup.*

25 *(d) This section shall remain in effect only until January 1,*  
26 *2009, and as of that date is repealed, unless a later enacted*  
27 *statute, that is enacted before January 1, 2009, deletes or extends*  
28 *that date.*

29 ~~SECTION 1. Section 710.5 of the Fish and Game Code is~~  
30 ~~amended to read:~~

31 ~~710.5. (a) The Legislature finds and declares that the~~  
32 ~~department continues to not be properly funded. While revenues~~  
33 ~~have been declining, the department's responsibilities have been~~  
34 ~~expanding into numerous new areas. The existing limitations on~~  
35 ~~the expenditure of department revenues have resulted in its~~  
36 ~~inability to effectively provide all of the programs and activities~~  
37 ~~required under this code and to manage the wildlife resources~~  
38 ~~held in trust by the department for the people of the state.~~

1     ~~(b) The Legislature further finds and declares that in the past,~~  
2     ~~the department has been largely supported by fees paid by those~~  
3     ~~who utilize the resources held in trust by the department.~~

4     ~~(c) It is the intent of the Legislature that, in the future, the~~  
5     ~~department should be funded by user fees for programs that~~  
6     ~~directly benefit user groups, and that programs that are of broad~~  
7     ~~public benefit should be paid out of the General Fund. All fees~~  
8     ~~collected by or for the department, including, but not limited to,~~  
9     ~~recreational hunting and fishing licenses, commercial permits~~  
10    ~~and entitlements, and other fees for use of the resources regulated~~  
11    ~~or managed by the department, are user fees. To the extent that~~  
12    ~~these fees are appropriated through the Budget Act for the~~  
13    ~~purposes for which they are collected to provide services to the~~  
14    ~~people of the State of California, these user fees are not subject to~~  
15    ~~Article XIII B of the California Constitution.~~